IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.

APPEAL NO.947 OF 2005
IN
NOTICE OF MOTION NO.1319 OF 2003
IN
SUIT NO.1290 OF 2003

Swamini Premanandaji Saraswati alias
Maa Premanandaji .. Appellant

v/s.

Central Chinmaya Mission Trust .. Respondent

ALONGWITH

APPEAL NO.948 OF 2005
IN
NOTICE OF MOTION NO.3726 OF 2003
IN
SUIT NO.1290 OF 2003

Swamini Premanandaji Saraswati alias
Maa Premanandaji .. Appellant

v/s.

Central Chinmaya Mission Trust .. Respondent

Mr.V.Y.Sanglikar i/by Mr.Ajit Shobhavat for the appeallant.

Ms.Veena Thadani with Mr.Vishal Thadani for the respondent.

CORAM : R.M.LODHA AND
D.G.KARNIK, JJ.

DATED : 24th November, 2005

P.C.

Heard.

2. Admit.

3. The Advocate on record for the respondent

waives service.

4. The learned counsel for the respondent handed in the plan of the flat marked "X" for identification purposes.

5. These two appeals by consent are disposed of by the following order:-

(i) The appointment of Court Receiver in respect of Flat No.101, Garden Crest, West Avenue Road, Santacruz (W), Mumbai, as directed by the learned motion Judge is maintained.

(ii) The Court Receiver shall permit the appellant-defendant to remain in occupation of the portion bounded by red lines in the plan marked "X".

(iii) The appellant-defendant shall continue to remain in occupation of the portion bounded by red lines in the plan marked "X" as an agent of the Court Receiver but without royalty, security or occupation charges. However, she will deposit Rs.500/- per month with the Court Receiver towards the electricity and

water charges. The said amount may be withdrawn by the respondent-plaintiff. The remaining portion of the flat shall be handed over by the Court Receiver to the respondent-plaintiff without any agency agreement.

(iv) The appellant-defendant shall file an undertaking within two weeks from today with the Court Receiver that she will not create any third party right or interest in the portion in her occupation and shall not interfere in any manner whatsoever with the remaining portion of the flat.

(v) The appellant-defendant shall have ingress and egress of the flat from the door styled as 'ENTRY' in the plan.

(vi) The hearing of suit No.1290 of 2003 is expedited and the learned trial Judge is requested to hear and decide the said suit as early as possible and preferably by the end of the year 2006.

(vii) Liberty to the parties to apply for fixing the date of hearing of the suit before the learned trial Judge.

No costs.

(R.M.LODHA, J.)

(D.G.KARNIK, J.)